

SUMMARY OF INCIDENT

On April 20, 2017 at approximately 7:00 PM near XXXX W. Eddy St., Chicago Police Department (CPD) officers responded to a trespassing complaint from an individual named Subject 1 against her neighbor and the complainant for this report, Subject 2. The responding officers determined that Subject 2 was psychologically unfit and at approximately 9:00 PM, Subject 2 was transported to St. Mary's Hospital, located at XXXX W. Division St. (Atts. 1, 4)

ALLEGATIONS

The complainant, Subject 2, contacted the Civilian Office of Police Accountability (COPA) on April 27, 2017 regarding an event that occurred on April 20, 2017 at approximately 7:00 PM. COPA personnel subsequently contacted Subject 2 and conducted an interview.

It is alleged that on April 20, 2017 at approximately 7:00 PM near XXXX W. Eddy St., accused **Sergeant A, Star #XXXX** while on duty:

1. Arrested Subject 2 without justification in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment to the United States Constitution.
2. Used excessive force in violation of Rule 2, Rule 6 in relation to Chicago Police Department General Order G03-02, Rule 8, and Rule 9.
3. Had Subject 2 detained on a psychiatric hold against his will in violation of Rule 2, Rule 6 in relation to Chicago Police Department Special Order S04-20-02, and Rule 6 in relation to the Fourth Amendment to the United States Constitution.

It is alleged that on April 20, 2017 at approximately 7:00 PM near XXXX W. Eddy St., accused **Officer A, Star #XXXX** while on duty:

1. Arrested Subject 2 without justification in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment to the United States Constitution.
2. Used excessive force in violation of Rule 2, Rule 6 in relation to Chicago Police Department General Order G03-02, Rule 8, and Rule 9.
3. Had Subject 2 detained on a psychiatric hold against his will in violation of Rule 2, Rule 6 in relation to Chicago Police Department Special Order S04-20-02, and Rule 6 in relation to the Fourth Amendment to the United States Constitution.

It is alleged that on April 20, 2017 at approximately 7:00 PM near XXXX W. Eddy St., accused **Officer B, Star #XXXX** while on duty:

1. Arrested Subject 2 without justification in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment to the United States Constitution.

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

2. Used excessive force in violation of Rule 2, Rule 6 in relation to Chicago Police Department General Order G03-02, Rule 8, and Rule 9.
3. Had Subject 2 detained on a psychiatric hold against his will in violation of Rule 2, Rule 6 in relation to Chicago Police Department Special Order S04-20-02, and Rule 6 in relation to the Fourth Amendment to the United States Constitution.

It is alleged that on April 20, 2017 at approximately 7:00 PM near XXXX W. Eddy St., accused **Officer C** while off duty:

1. Engaged in an unjustified verbal altercation with Subject 2 in violation of Rule 2, Rule 8, and Rule 9.

APPLICABLE RULES AND LAWS

Rule 2: prohibits, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”

Rule 6: prohibits, “Disobedience of an order or directive, whether written or oral.”

Rule 8: prohibits, “Disrespect to or maltreatment of any person, while on or off duty.”

Rule 9: prohibits, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

Chicago Police Department Directive, General Order G03-02, Use of Force Guidelines: “When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances.”

“Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.”

Chicago Police Department Directive, Special Order S04-20-02, Persons Subject to Involuntary or Voluntary Admission Non-Arrestees: “A peace officer may take a person into custody and transport him or her to a mental health facility when the peace officer has reasonable grounds to believe that the person is subject to involuntary admission and in need of immediate hospitalization to protect such person or others from physical harm.”

Fourth Amendment to the United States Constitution: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated

INVESTIGATION¹

Interview of complainant Subject 2

The complainant, Subject 2, related that on April 20, 2017, he was at his home at XXXX W. Eddy St. and having an issue with his neighbors, the Family (the family comprised of Subjects 1 and 3), who live at XXXX W. Eddy St. Subject 2 related that the Family were playing loud music and he initially thought the Family were having an issue with a neighbor to the east who has a dog. However, Subject 2 related that music was still playing later in the day so he went outside and observed the music being directed west towards his house and not towards the neighbor to the east. Subject 2 related that the male who resides at XXXX W. Eddy St. (identified as Subject 3) came out and told Subject 2 that they were upset that Subject 2 had been playing music at a loud volume the previous night. According to Subject 2, he did not realize his music was too loud and, as he had just returned from France, he was not adjusted to being back in the Chicago time zone. Subject 2 stated that he apologized but the Family still refused to turn down their music. Subject 2 said that when the Family refused to turn down their music, he placed a note in their mailbox letting the Family know that he is aware they, "do porno next door."² Subject 2 related that after he left this note, the Subject 1 turned off their radios. Subject 2 stated that he only recalled leaving one letter at the Family. Furthermore, Subject 2 related that Subject 3's best friend, Officer C, is a Chicago Police Officer. Subject 2 believed that Subject 3 told Civilian 1 about Subject 2's note because the Family placed a "No Trespassing" sign on their property after this incident and added Subject 2's name to the sign.

Subject 2 went on to explain that several days after he left this note, he was walking to a neighbor's house and while he was walking in front of the Family, he was approached from behind by a police officer who had been hiding in between the homes. Subject 2 alleged that this officer grabbed Subject 2 around his thighs while at least one more police officer roughly handcuffed Subject 2 behind his body. According to Subject 2, this resulted in bruises on his legs, bruises around his wrists, and a cut on his hand.³ Subject 2 stated that before he was placed into the police vehicle, Subject 3's best friend, Officer C was in uniform and yelling at Subject 2 for leaving the Family a note. The complainant denied that anyone attempted to approach his home or talk to him before he was grabbed by an officer. Subject 2 related he was shoved into the backseat of a police vehicle. According to Subject 2, the police officer seated in the passenger seat informed Subject 2 that he had violated an order of protection, broke a seal on an envelope, and took out a document. Subject 2 claimed he was never served with an order of protection at any point. Subject 2 related that he asked if he was arrested but the officers ignored his questions and he was taken to St. Mary's Hospital Emergency Room. Subject 2 was unable to recall the names or any significant details regarding the officers he interacted with.

¹ When this investigation began in April 2017, it was under the jurisdiction of the Independent Police Review Authority (IPRA). In September 2017, IPRA formally closed and a new agency, the Civilian Officer of Police Accountability (COPA) assumed jurisdiction. Therefore, this investigation includes work performed under both IPRA and COPA.

² Subject 2 stated that the previous year, he found a piece of paper while raking his yard that contained a web address for a pornographic video featuring his neighbor, Subject 1, the wife of Subject 3.

³ Subject 2 related that he obtained medical treatment related to injuries he sustained from the officers. However, records from St. Mary's Hospital only included details regarding psychiatric care with no mention of any physical injuries.

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY
Log #1085008

According to Subject 2, the officers told hospital staff that Subject 2 was acting irrationally and making sexually inappropriate comments to Subject 1. Subject 2 related that he waited in the ICU because he had consumed alcohol earlier and hospital staff waited until he had 0% blood alcohol content before admitting Subject 2 to the psychiatric ward. Subject 2 indicated he remained in the psychiatric ward for five days before he was discharged. Subject 2 denied that he was intoxicated on the day he was taken to the hospital and related that he never has more than one drink per hour and he never gets, “wasted,” “stoned,” or “smashed.” Subject 2 stated that hospital staff convinced Subject 2 to sign authorization because the police officers said he was “acting crazy.” According to Subject 2, the police officers never saw Subject 2 “acting crazy,” nor had the Family. Subject 2 viewed having to stay in a psychiatric hospital as his “punishment” from Officer C for leaving a note at the Family’s residence. Subject 2 speculated that because there were no charges on which to arrest him, he was placed in the hospital instead. Subject 2 reported that he was diagnosed with schizophrenia at the hospital. Subject 2 stated he had never received a mental health diagnosis before this incident. (Att. 17)

Department Reports and Records

An Original Case Incident Report was identified regarding Subject 2’s April 20, 2017 interaction with Chicago Police Officers with RD #XXXXXXXXXX. This report states that on April 20, 2017, Beat XXXX responded to an incident at approximately 7:00 PM at the Family’s home, located at XXXX W. Eddy St. Subject 2 is listed as the suspect and Subject 1 is listed as the victim. The narrative portion of this report states that Subject 1 requested police officers in response to an issue with Subject 2. Subject 1 stated that she placed a “No Trespassing” sign on her property and obtained a civil order of protection against Subject 2. Subject 1 related that Subject 2 had recently been on her property and left a “disturbing sexually perverted letter.” Subject 1 showed the letter, along with additional letters from Subject 2, to the responding officers. Subject 1 also related that she was afraid that Subject 2 “was psychologically unfit and acting in a bizarre manner.” After reviewing the letters and speaking with Subject 2, Beat XXXX (identified as Officer B and Officer A) took Subject 2 to St. Mary’s Hospital at approximately 9:00 PM and prepared a petition for evaluation. The involved officers related to this situation were reported as Officer B, Officer A, and Sergeant A. (Att. 4)

According to RD #XXXXXXXX, on April 19, 2017 at approximately 5:45 PM, Subject 2 left sexually derogatory notes in the Family’s mailbox with content stating he wanted to have sex with Subject 1. Subject 3 related that he observed Subject 2 placing the notes in the mailbox and on Subject 3’s vehicle. The responding officer, Officer D, attempted to speak with Subject 2 but Subject 2 would not open the door of his residence. (Att. 38)

The report for RD #XXXXXXXX states that on April 20, 2017 at approximately 7:45 AM, Subject 1 notified the police after she found two letters in her mailbox which she found alarming and raised concern for her safety. According to Subject 1, she was having ongoing issues with Subject 2. The reporting officer for this incident was Officer E. (Att. 35)

The Original Case Incident Report for RD #XXXXXXXX relates that on April 20, 2017, Officer B and Officer A transported Subject 2 to St. Mary’s Hospital because he, “displayed bizarre

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

behavior in a sexual manner" and was claiming that his neighbor was in a pornographic internet video. Additionally, Subject 2 had given Subject 1 hand written letters and she obtained an order of protection against Subject 2. (Att. 37)

According to the report for RD #XXXXXXXX, Subject 1 notified the police on April 20, 2017 at approximately 7:42 PM because Subject 2 was on her property and had not yet been served with an order of protection. According to this document, Officer B, contacted Sergeant A and Sergeant A served Subject 2 with the order of protection. (Att. 36)

Office of Emergency Management and Communications (OEMC) Event Queries were obtained regarding Subject 1's telephone call to 911 on April 20, 2017 at approximately 6:30 PM and the subsequent events. According to available documents, Subject 2 was in custody with officers from Beat XXXX (identified as Officer B and Officer A) on April 20, 2017 at approximately 7:37 PM. At 7:45 PM, Beat XXXX (identified as Sergeant A) went to serve an order of protection at XXXX W. Eddy St. At approximately 8:04 PM, officers from Beat XXXX transported Subject 2 to St. Mary's hospital. Remarks indicate that the caller (identified as Subject 1) was having an ongoing issue with her neighbor with Subject 2 harassing her with notes in her mailbox and violating a "No Trespass" sign. (Atts. 5, 6)

Medical Records

Medical records from Saint Mary of Nazareth Hospital (located at XXXX W. Division St.) were obtained for Subject 2's stay at this hospital in April 2017. These documents reported that Subject 2 arrived at the hospital on April 20, 2017 at approximately 8:50 PM and he was taken to the hospital by police officers. Subject 2 was discharged from the Behavioral Health unit on April 26, 2017 at approximately 11:30 AM. According to provider notes, while at the hospital, bruising was observed on Subject 2's hands and knees. Subject 2's blood alcohol content was reported as 0.239g/dl. Upon admission, Subject 2 was described as paranoid and delusional with sexual acting out towards his neighbor. His diagnosis upon discharge was schizophrenia. The History of Present Illness outline in Subject 2's medical records related that he was brought to the hospital by the Chicago Police because he was "stalking his neighbors, trespassing on the property and leaving sexually explicit notes on their doorway," which Subject 2 denied. Subject 2 told hospital staff that his neighbors were playing loud music to disturb him and that he found a note which contained a website for a pornographic video of his neighbors. Hospital staff reported that upon admission, "The patient at present denies any problem," and that he needed, "to be kept under close observation and stable on meds before discharged back to the community." Subject 2 was described as having impaired judgment, a "poor attention span," and "looseness of associations and flights of ideas." Subject 2's reason for hospitalization included, "Destructive behavior as immediate threat. Magnitude of behavior simply not tolerable to the patient or society *[sic]*." Marijuana/hashish was listed under Subject 2's drug-use. Subject 2 also endorsed drinking 1/5 a day of whiskey and gin.⁴ Available medical records also stated that Subject 2's sister had bipolar disorder and schizophrenia and that she committed suicide in 2015. While at the hospital, Subject 2 endorsed that he experienced "hearing voice in the past" while mourning his sister's death and

⁴ 1/5 of alcohol here likely refers to a 750 milliliter bottle of alcohol.

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

he was drinking “regularly and heavily.” Subject 2 related that he was unaware of an order of protection against him. (Att. 28)

Subject 1

On August 2, 2017, COPA contacted Subject 1 via telephone. Subject 1 related that she was unwilling to participate in an interview at this time but agreed to answer several questions over the phone. Subject 1 related that she has a video of Subject 2’s interaction with the police on April 20, 2017. During this phone call, Subject 1 stated that Subject 2 has sent her multiple letters of a disturbing nature. According to Subject 1, she went to court but Subject 2 did not appear and she was given a no contact order against Subject 2 due to the content of these letters. Subject 1 stated that she did not believe the police used excessive force while detaining Subject 2, nor did she observe a police officer grab Subject 2 by the legs. Subject 1 described the police officers who responded as very professional during their encounter with Subject 2. Subject 1 related that the police have been called on Subject 2 multiple times and that Subject 2 is an alcoholic and a drug user who appears to have mental health issues. According to Subject 1, Subject 2 has caused multiple issues on their block including going after a neighbor with a cane, breaking another neighbor’s window, holding up traffic, and other “odd behavior.” Subject 1 related that she believes Subject 2 has a medical marijuana prescription. Additionally, Subject 1 stated that she does not have any friends who are police officers or any friends named Officer C.

On October 20, 2017, COPA went to Subject 1’s home at XXXX W. Eddy St. and spoke to her. Subject 1 related that she has a no contact order against Subject 2 but he had been talking to her over the fence the other day. Subject 1 also stated that Subject 2 had been “taken back to the hospital” recently. COPA also noted that outside of the Family’s home was a “No Trespassing” sign with Subject 2’s name handwritten on the sign.

COPA obtained two videos from Subject 1 of Subject 2’s April 20, 2017 interaction with CPD officers. One video depicted Subject 2 standing with a police officer on each side of Subject 2’s body. There is no struggle involved, all parties appear calm, and Subject 2 repeatedly stated he was not resisting. The second video showed Subject 2 being placed into a police vehicle by the same officers. Again, there was again no struggle and everything appeared calm. (Atts. 26, 27, 50, 51)

Cook County Clerk of Court Civil Order of Protection Records

A docket from the Cook County Clerk of Court was located regarding a Civil Order of Protection (Case Number XX-XX-XXXXXX) that was filed by Subject 1 against Subject 2 on April 20, 2017. An “Emergency Stalking No Contact Order” was allowed on April 20, 2017. A judgment for the plaintiff was entered on May 11, 2017 of a “Plenary Stalking No Contact Order.” (Att. 23)

A second docket from the Cook County Clerk of Court was located regarding a Civil Order of Protection (Case Number XX-XX-XXXXXX) that was filed against Subject 2 by an individual named Civilian 2 on June 21, 2016. Civilian 2 was identified as another neighbor of Subject 2’s with an address of XXXX W. Eddy St., FL X. An “Emergency Stalking No Contact Order” was

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

allowed on June 21, 2016. A judgment for the plaintiff was entered on July 12, 2016 which included a “Plenary Stalking No Contact Order.” (Atts. 24, 25)

Interview of Accused Officer A

An interview was conducted with Officer A on August 14, 2017. In his interview, Officer A related that on April 20, 2017, he was working patrol with his partner, Officer B. Officer A stated that he and Officer B encountered Subject 2 on April 20, 2017 after they received a call about criminal trespassing where Subject 2 was the offender. According to Officer A, he had previously encountered Subject 2 after Subject 2 caused disturbances in the neighborhood such as harassing people, blocking traffic, and behaving in an incoherent manner. Officer A described Subject 2 as “out of his mind” on these previous occasions. Officer A believed this behavior was due to a combination of intoxication and mental illness.

Officer A stated that after receiving a call for criminal trespass on April 20, 2017 from Subject 1, Subject 1 informed the officers that Subject 2 had been on her front porch while yelling and placing things in her mailbox. Officer A stated that they were speaking to Subject 1 while Subject 2 was not present and she related that she was having troubles with Subject 2 making sexual comments, harassing her, and putting sexually explicit letter in her mailbox. Officer A indicated he saw the letters from Subject 2 and described them as “very disturbing.” After speaking to Subject 1, Officer A stated he and his partner went to Subject 2’s home but Subject 2 did not answer. According to Officer A, Subject 1 related that Subject 2 would come back to her house as soon as the officers left. The officers then went down the block to observe the Family’s house and about 5 – 10 minutes later, the officers saw Subject 2 outside yelling, flailing his arms, and holding a piece of paper. Officer A indicated that this piece of paper was an additional handwritten letter from Subject 2 to Subject 1. Next, Officer A stated that he and his partner drove up to Subject 2 and tried to talk to him but Subject 2 was incoherent. The officers then detained Subject 2 and placed him into the squad car while Subject 2 was making sexually inappropriate comments about Subject 1, including references to her being a “porn queen.” Officer A related that at that point, he and his partner determined that Subject 2 needed professional medical help. Officer A stated that he identified Subject 2 as mentally ill but was unsure if Subject 2 was intoxicated. Officer A stated that they observed Subject 2 had red eyes and Subject 2 had related this was because he has a medical marijuana card.

Officer A stated that he and Officer B called a supervisor (identified as Sergeant A) in order to tell Sergeant A what they were going to do and so the sergeant could serve Subject 2 with an order of protection. Officer A said that the only physical contact he had with Subject 2 was placing him into the car and he could not recall if it was he or Officer B who placed Subject 2 in handcuffs. According to Officer A, he could not recall any officers grabbing Subject 2 around the legs and he denied that any excessive force was used. Officer A did not remember if Subject 2’s hand area was bleeding. Officer A related that Subject 2 was taken to a psychiatric hospital because he needed more help than the officers were able to provide and because Subject 2 was a danger to himself

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

and others. Officer A stated that he and Officer B transported Subject 2 to the hospital. Officer A stated that there was no officer at the Family's home named Officer C. Officer A denied arresting Subject 2 without justification, using excessive force, or detaining Subject 2 on a psychiatric hold against his will. Officer A recalled that Officer B signed a petition to have Subject 2 committed to the hospital. Officer A also provided additional Department documents related to this incident which can be found in Attachments 34 – 38. (Atts. 4, 29, 34, 35, 36, 37, 38)

Interview of Accused Sergeant A

An interview was held with Sergeant A on August 14, 2017. In his interview, Sergeant A stated that on April 20, 2017, he recalled that Subject 2 was harassing Subject 1. Sergeant A could not recall if he previously interacted with Subject 2. However, Sergeant A indicated that on April 19, 2017, he signed a report for Officer D related to Subject 2. Sergeant A stated that on April 20, 2017, he observed Subject 2 in the back seat of Beat XXXX's police vehicle (which was maned by Officer A and Officer B). The sergeant stated that Subject 2 was in this police vehicle because he was going to be taken to a hospital for a mental health evaluation. Sergeant A stated that based on the totality of the circumstances Subject 2 need mental health treatment. These circumstances included letters Subject 2 had written and left for Subject 1, Subject 1 obtaining an order of protection against Subject 2, an additional neighbor filing a report, and Subject 2's erratic behavior. Sergeant A stated that he did not observe Subject 2's erratic behavior himself, but had been informed of such by Subject 1 and Subject 3. Sergeant A related that while Subject 2 was in the back of the squad car, he served Subject 2 with Subject 1's order of protection, at which time Subject 2 was "screaming and yelling obscenities, profanities." The sergeant related that Subject 2 appeared to be mentally unstable. Sergeant A stated that he did not observe any injuries on Subject 2 and he had no physical contact with Subject 2. Sergeant A related that he observed no excessive force used against Subject 2 from Officer A or Officer B. Sergeant A related that he did not recall any officers present other than Officer B or Officer A. According to Sergeant A, Subject 2's psychiatric hold was justified. Sergeant A denied that Subject 2 was arrested without justification, that excessive force was used, or that he detained Subject 2 on a psychiatric hold against Subject 2's will. (Atts. 34, 39)

Interview of Accused Officer B

On August 15, 2017, Officer B was interviewed. Officer B related that on April 20, 2017, he was working his regular beat in a marked police car with his partner, Officer A. Officer B recalled Subject 2 and related that prior to April 20, 2017, he had responded to several calls regarding Subject 2. Officer B related one incident where he had been called by a family who lives on the same block as Subject 2. Officer B stated that he was called because this family was scared of Subject 2's behavior. Officer B indicated that Subject 2 was standing in the street in front of the family's home with an approximately 3.5-foot sign pointed at the family's home saying something to the effect of "Drug Dealers Live Here." Officer B also related that he believed Subject 2 had broken a window at this family's home. Officer B explained that after he arrived at this prior

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

incident, several neighbors came out and told him stories about Subject 2, such as Subject 2 attempting take a neighbor's dog. Officer B related that he learned from earlier calls to Subject 2's block that once police arrive on the scene, Subject 2 would go into his home to avoid talking to the police. Therefore, Officer B had never directly spoken to or observed Subject 2 prior to April 20, 2017.

According to Officer B, on April 20, 2017, he received a call to respond to Subject 1's house regarding criminal trespass. Officer B indicated that the Family explained to the officers that Subject 2 had been sexually harassing Subject 1 over a period of time. Subject 1 showed Officer B letters that Subject 2 had reportedly written her. Officer B stated that Subject 1 appeared disturbed. Officer B related he read the letters, was also disturbed by their content, and he was worried Subject 2 might kill someone or otherwise harm Subject 1. According to Officer B, once the sergeant (identified as Sergeant A) arrived on the scene, he showed the letter to Sergeant A. Officer B determined that Subject 2 was not fit to be arrested. After speaking with Officer A and the sergeant, Officer B decided Subject 2 needed to go to a hospital to prevent Subject 2 from hurting himself or the Family. Officer B described the situation with the Family and Subject 2 as "feverish" and he deemed Subject 2 to be removed from reality. Officer B stated that when he responded to the Family's call, Subject 2 was playing music very loudly and Subject 1 related to him that was common behavior from Subject 2. Officer B did not observe any other police officers or additional individuals at the Family's aside from Subject 3 and Subject 1.

Officer B stated that Subject 1 related to him that once the officers left, she believed Subject 2 would come back to her home to deliver another letter. Therefore, the officers moved down the street about waited approximately half an hour before Subject 2 came outside. Officer B said that they drove up next to Subject 2, exited the vehicle and approached Subject 2. According to Officer B, Subject 2 was yelling something at the house and was so focused on the Family's home that he did not appear to notice the officers. Officer B said he walked up to Subject 2 and he denied that either or he or Officer A grabbed Subject 2 around the legs. Officer B stated that he did not notice Subject 2's hand or wrist bleeding and he did not observe any injuries on Subject 2. Officer B related that he attempted to talk to Subject 2 while he was being detained, but Subject 2 was difficult to talk to because of his bizarre behavior. Officer B related that Subject 2 was handcuffed and placed into the police car. According to Officer B, Subject 2 was making comments to the officers such as calling Officer B a "gay bastard." Officer B also said that at the hospital, Subject 2 was making sexually inappropriate comments to the hospital staff. Officer B denied that excessive force was used against Subject 2, or that Subject 2 was arrested without justification. Officer B related that he filled out a petition at the hospital for a psychological evaluation and he believed Subject 2 was placed on psychiatric hold against his will after the officers left the hospital. (Atts. 44, 45)

Letters from Subject 2 to Subject 1

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

Copies of letters reportedly written by Subject 2 to Subject 1 were provided by Officer A. The letters are approximately 10 pages in length and included a hand-written note that appears to have been authored by either Subject 3 or Subject 1 regarding their observations of Subject 2. The letters include phrases such as, "Last May, while raking, I came across a piece of paper. It had a URL. I put it into my puter *[sic]*. What did I see? Subject 1! Nude! [...] spreading her brazillioned *[sic]* thighs for a pink dildo." In another letter dated April 19, 2017, it states, "Sorry, I'm still on Paris time. Plus, I was drunk off my ass [...] So give me a break. Lord knows I give plenty to you. Esp. after finding that note with a certain URL [...] Who does the camera work *[sic.]* I hope not Officer C" These letters also include references to rape, incest, and Civilian 3. (Att. 34)

Approved:

Submitted:

Supervising Investigator

COPA Investigator A

ANALYSIS AND CONCLUSION

COPA recommends that **allegation #1** against **Sergeant A, Officer A and Officer B**, that Subject 2 was arrested without justification, be **Unfounded**.

Subject 2 was not arrested. Therefore, Subject 2 was not arrested without justification. While Subject 2 was detained by Chicago Police Officers, as argued below there was justification to do so. Based on information from the three accused officers, details related by Subject 1, and Subject 2's medical records, it appears Subject 2 was having a mental health crisis. Therefore, detaining Subject 2 was in the interest of the complaint's own safety, as well as of the safety of Subject 1 and her family.

COPA recommends that **allegation #2** against **Sergeant A, Officer A and Officer B**, that officers (individually) used excessive force, be **Unfounded**.

No credible evidence suggests that any of the responding Chicago Department members used excessive force against Subject 2. While Subject 2's medical records related that he had bruising on his wrists and legs, there is no indication as to when or how he sustained these bruises. Additionally, Subject 2 related that he sustained injuries serious enough to require treatment at the hospital. However, medical records obtained from St. Mary's Hospital make no reference to any such treatment. Furthermore, Subject 1 related that the responding officers were all very

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085008

professional. Subject 2's version of the events that unfolded on April 20, 2017 does not appear to be accurate based on available evidence. It is believed that Subject 2 was in a delusional state and unable to correctly interpret or perceive reality during the time he was interacting with Chicago Police officers. This is confirmed by the diagnosis of schizophrenia given to Subject 2 by staff at St. Mary's Hospital.

Subject 2 lacks credibility due to inconsistencies between his medical records and information he related in his IPRA interview. Specifically, Subject 2 claimed to IPRA that he never got intoxicated and he was not intoxicated on April 20, 2017. However, Subject 2's medical records reported that Subject 2 endorsed drinking 1/5 of a liter of alcohol per day and his blood alcohol content was 0.239g/dl upon admission to the hospital. In addition to experiencing what is believed to be a mental health crisis, Subject 2's intoxication likely prevented him from accurately recalling events from April 20, 2017. Moreover, video evidence obtained, while not showing the entire interaction, depicts Subject 2 and the responding Officers at the time of Subject 2's arrest. There appears to be no struggle as the officers place Subject 2 into the squad car. The video further contradicts Subject 2's version of events.

COPA recommends that **allegation #3 against Sergeant A, Officer A and Officer B**, that officers (individually) detained Subject 2 on a psychiatric hold against his will, be **Exonerated**.

While Officer B signed a petition to have Subject 2 committed to an involuntary psychiatric evaluation, available evidence indicates that this action was justified and within Chicago Police Department policy. The officers, particularly Officer B, appeared very concerned for Subject 1's safety and with what Subject 2 would do if he did not receive urgent mental health treatment. The content of the letters Subject 1 produced as authored by Subject 2 convey acts of violence. The letters also appear to have been written by an individual detached from reality and unaware of the boundaries for acceptable and appropriate behavior. Officer B related that the situation was escalating and he feared Subject 2 was ready to move from writing letters to committing actions. While it appears that only Officer B signed the petition for the psychiatric evaluation, it was identified that he consulted with Sergeant A and Officer A and the three men agreed that Subject 2 was in need of immediate psychiatric care. Additionally, Officer A accompanied Officer B when Subject 2 was admitted to St. Mary's Hospital. Furthermore, in Subject 2's medical records, Subject 2's reason for hospitalization included, "Destructive behavior as immediate threat. Magnitude of behavior simply not tolerable to the patient or society [sic]."

COPA recommends that **allegation #1 against Officer C**, that he engaged in an unjustified verbal altercation with Subject 2, be **Unfounded**.

Available evidence from the three accused officers, from Subject 2's medical records, and from Subject 1 indicated that Officer C never existed. As Subject 2 was experiencing what was identified as a delusional, psychotic episode, it is possible that Officer C was a by-product of this episode. According to Subject 2's medical records, he was diagnosed with schizophrenia, in a state of denial, and experiencing impaired reality testing at the time of his hospitalization.

Approved:

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY
Log #1085008

Deputy Chief Administrator

FINDINGS

Accused 1: **Sergeant A, Star #XXXX**

Allegation 1 -2: **Unfounded**

Allegation 3: **Exonerated**

Accused 2: **Officer A, Star #XXXX**

Allegation 1 -2: **Unfounded**

Allegation 3: **Exonerated**

Accused 3: **Officer B, Star #XXXX**

Allegation 1 -2: **Unfounded**

Allegation 3: **Exonerated**

Accused 4: **Officer C**

Allegation 1: **Unfounded**